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How the Roman Hierarchy Seeks to Crush Free Press

ARE YOU WITH US? RALLY FLAG DAY TO PRESERVE AMERICAN LIBERTIES!

UPON this page is told a story that would be utterly appalling if it were not so familiar. It is the story of how a foreign monarchy, masquerading in the guise of a church, seeks to subvert American liberties. It is the story of the latest effort of the Roman hierarchy—a body whose history is stained with blood, and punctuated with the cries of innocent victims—to extirpate that which it cannot turn to its own base uses.

Setting itself up as something higher than the governments of this earth, damning men for their love of country and punishing them for their patriotism, Rome in the prosecution of The Menace, its editors and its publishers, attempts nothing new or heretofore untried. It is merely making the supreme effort of its career upon American soil—a career that began with a massacre upon Florida soil and which daily reaches new culminations in mobbing and murder.

If you love your country, read the story set forth here and understand.

If "liberty" to you is more than a hollow sound, read this story with your hearts as well as your eyes—and act!

If the freedom to act, to worship, to learn, to read as you will means ought to you, ponder well the things here set out. For they have to do with the very ground work of your liberties.

Naught is set forth here with passion; nor is anything embellished with rhetoric. It is the simple tale of four men and a newspaper—all charged with crime.

AND THEY ARE GUILTY! Not guilty of what the indictment charges, but guilty of a crime far more heinous in the sight of Rome. They are charged with the publication of obscenity. They are guilty of preaching patriotism!

Ask yourself what it all means—ye men and women on the Firing Line—and when your hearts give answer, go forth with new courage to the fight. Rally your friends and acquaintances. Organize your districts. And upon Flag Day, be one of those million men and women who send back to the tyrant of the Tiber the answer:

"We come, 1,000,000 strong, to the defense of our heritage of liberty."

THE indictment of the editors and publishers of THE MENACE by a federal grand jury in Joplin in January of this year was the culmination of Rome's most determined campaign against the freedom of the American press. The indictment came only after the hierarchy had exhausted every other means in its power.

The Roman hierarchy has a most pronounced aversion to courts. He invokes the machinery of the law only when he can find no other instrument for the accomplishment of his purposes. The reason is that the Roman hierarchy cannot afford

to bring himself within the reach of the courts and the questions of an attorney upon the other side of the case.

Rome did not wish to show its hand openly in the indictment of the men of THE MENACE. It took every precaution to prevent the public at large from knowing why the indictment was brought. Yet, so generally known was Rome's previous activity that none who read in the daily press the announcement that Theodore C. Walker, Marvin Brown, Wilbur F. Phelps and B. M. Phelps had been indicted for the publication of obscene matter, doubted for an instant that Rome had brought about the prosecution. Neither had any who had become conversant with the work of THE MENACE and the attitude of Rome any doubt that the real offense of the four men accused was not the publication of obscenity but the preaching of patriotism.

Those who knew Rome and those who knew THE MENACE were aware of the fact that this publication had been selected as the first of more than fifty fearless publications which had been marked for suppression. These other publications may be classified as patriotic, religious, Masonic and similar organs, free thought and libertarian papers. Rome, as indicated by her utterances through her own press, has lumped together all publications which had dared to speak the truth about the "tyrant of the Tiber," regardless of what else they stood for. Its wrath fell alike upon patriotic publications of THE MENACE type, upon Protestant magazines, upon free thought papers which are no more Protestant than Romanish, and upon the organs of the various non-Romanish secret societies, which have nothing whatever to do with religion. All these were marked for slaughter, the hierarchy having more than fifty particularly in mind, as having been the most aggressive. Hundreds of others were to be attended to in good time. The hierarchy proposed to put an end in America to what it regarded as the damnable heresy of the freedom of the press. It selected THE MENACE as its first victim because this newspaper had been the most outspoken of all. If THE MENACE could be suppressed—if its editors and publishers could be convicted, and their convictions could be made the basis of an order excluding THE MENACE from the mails—then the rest of the task might be easy.

Rome had selected THE MENACE for martyrdom. It had prepared the way to that martyrdom most thoroughly. For several years the hierarchy has been directing a constant agitation against the fearless press. Sermons from the pulpits, utterances through the Romanish press, mass meetings, resolutions, political threats, the boycott—every means by which Rome knew how to make sentiment against the freedom of the press was brought into play.

Where diplomacy failed, force was used; where force could not avail, friendship was professed. Even Protestants were hoodwinked or bluffed or cajoled or coaxed into helping to create sentiment against any and every sort of criticism of the Church of Rome.

With its nearly 18,000,000 of influenceable followers and its exhaustless treasures, Rome united all its resources upon an effort to drive such publications as The Menace out of business by force of a misled public sentiment.

That effort resulted only in increased circulation for the publications thus attacked. The public that these papers served rallied nobly to the protection of the free press. Rome failed.

Bullied the Government

This was only the beginning. Rome never quits at the first defeat. The next attack was upon the postoffice department. The demand was made that the privilege of the mails be denied to THE MENACE. The department considered the matter and notified the representatives of the Romanish hierarchy that their demand could not be granted.

Literally speaking, "Rome howled." The howl, however, did not affect the postoffice department's ruling. THE MENACE continued to make use of the mailing privilege.

Having failed in the first onslaught upon the postoffice department, Rome gathered itself for another spring. It called new lawyers and prepared a legal argument purporting to justify the exclusion of THE MENACE and similar publications from the mails. One of the lawyers was Mr. Paul Bakewell of St. Louis. Mr. Bakewell not only forwarded his arguments to the postoffice department, but Rome furnished the funds to have them printed. They were scattered about the United States by the millions.

Meanwhile, the Romanist papers, taking their cues from the secular lawyers and from the Jesuits, who most often perform the functions of ecclesiastical lawyers, argued, pleaded and fulminated at the postoffice department.

Catholic secret societies, numbering millions of members adopted resolutions, made up petitions and started letter writing campaigns.

Rome made a terrific effort to impress upon the postoffice department of the United States the supposed fact that no government dare refuse the demands of Rome. And with this purpose in view, it bent all its energies to bring about a deluge of letters, resolutions and petitions. The tone of these communications was all the way from a whine to a roar.

There is no record of the number of resolutions forwarded to the postoffice department, but they ran into the thousands. The Catholic Order of Foresters alone sent a "petition" to the postoffice department bearing 1,000,000 names.

Millions of letters went to the department and to congressmen. One congressman alone on "Letter Day," which was December 8, 1914, received more than 1,000 communications.

The postoffice department, under the plain letter of the law again refused the demand of the hierarchy.

But "Rome never sleeps." While these efforts to shut THE MENACE out of the mails were going forward to failure, the Catholic party in congress, an obscure but powerful body, was pushing for committee approval and for passage the Fitzgerald bills and the Gallivan measure. The general effect of these bills would have been to make it a crime for anyone to publish a criticism of religion or of anyone who makes his living out of religion.

Phelan Warned Rome

These measures were so bad that Father Phelan of St. Louis, editor of the Western Watchman, a Romanist publication of the most pronounced type, defied the hierarchy and uttered a warning. "These bills," he cautioned, "need careful study. If enforced, they would exclude the Watchman from the mails." And he might have added that they would have excluded every other religious publication, Romanist, Protestant,

Jewish, or whatnot, the moment such religious publication commented upon any other religion. But most especially would they, if passed and enforced, have excluded the Romanist publications and Father Phelan knew it. He knew that the Romanist publications are the most intemperate of all.

But the hierarchy did not heed Phelan's warning. It BELIEVED THAT IT COULD CONTROL THE ENFORCEMENT OF THE LAW; THAT THE GOVERNMENT OF THE UNITED STATES WOULD NOT DARE TO ENFORCE AGAINST ROMANISTS, STATUTES MADE TO DRIVE THEIR CRITICS OUT OF THE MAILS! SO BELIEVING, THE HIERARCHY INSISTED UNTIL THE LAST UPON THE FITZGERALD AND GALLIVAN BILLS.

And all the resources that had been gathered in an effort to overwhelm the postoffice department were now turned upon Congress. To the credit of Congress let it be said that it, too, withstood the flood of argument, pleading, threats and abuse. The bills designed to legislate the patriotic publications from the mails died in the committees.

And in the wrath of her triple defeat—having been repudiated by public sentiment, by the postoffice department and by congress—Rome turned to the courts in a last desperate effort to crush The Menace and those other patriotic publications which have been sounding the alarm against the hierarchy.

When public sentiment failed to respond to a false complaint, when the postoffice department refused to act, when congress would not lend itself to the subversion of the rights of the press, when they themselves dared not go into the courts in civil suits for damages, knowing that THE MENACE had told the truth about them, there still remained the subterfuge of federal prosecution. And it was this subterfuge that Rome employed. It now desires that the government of the United States shall imprison the defenders of American liberty to please the smug vanity of a foreign tyrant. Whether Rome shall be successful will be determined by a jury at Joplin.

The Indictment of The Menace

THROUGH the influence of Romanist lawyers and politicians gathered at Joplin, Missouri, THE MENACE Publishing Company, Wilbur F. Phelps, Marvin Brown, Rev. Theodore Walker and B. M. Phelps were indicted on January 13. There were eight counts in the indictment, each charging the sending of obscene matter through the United States mails:

These counts may be summarized as follows:

FIRST COUNT—Based upon four lines of a thirty-five line poem entitled "The Romanists," published January 24, 1914. The poem was based upon news articles which had appeared in THE MENACE—particularly upon the mobbing of Jeremiah J. Crowley, an ex-priest at Oelwein, Iowa, and the ravishing of a nun by priests.

SECOND COUNT—Based upon an excerpt of seven lines from the middle of an article entitled "Marriage and THE MENACE," published May 2, 1914.

THIRD COUNT—Based upon matter taken from an article published May 13, 1914, entitled "Lies of Denver Priest Answered." The alleged obscene quotation is but six lines in length. It was taken from an article fully three columns long.

FOURTH COUNT—Based upon part of an article entitled "Crowley on the Confessional," published July 18, 1914.

FIFTH COUNT—Based upon an article entitled "Watch the Fathers," published July 25, 1914.

SIXTH COUNT—Based upon an article entitled "Five Hours In and About a H. O. G. S. Laundry," published August 1, 1914.

SEVENTH COUNT—Based upon a few short excerpts from a book entitled "The Pope—Chief of White Slavers, High Priest of Intrigue," by Jeremiah J. Crowley, an ex-priest.

EIGHTH COUNT—Based upon a printed circular used to advertise the book by Jeremiah J. Crowley, mentioned in the foregoing count.

It will be observed that all counts are based upon attacks upon the acts, conduct and character of certain Romanist priests and politicians—not attacks upon the Romanist religion.

It will be remembered, too, that there is not made anywhere any legal claim that any of these articles or any part of them is untrue. It will be remembered that the Roman hierarchy is not seeking to punish the editors and publishers of THE MENACE for the publication of falsehood and libel. Such a course would make it incumbent upon the Romanists to prove that the articles complained of are false and libelous. Instead of following this course, as any ordinary citizen, confident of the purity of his own character would, the Romanist hierarchy suddenly developed a deep solicitude for the purity of the mails. In view of these facts, it need not be suggested that the hierarchy knew that the continued publication of THE MENACE and like newspapers would result in an aroused public conscience that would forever put a stop to the practices of the hierarchy and its politicians.

Motions Filed

It is a rule of law in cases of this kind that the defendant has the right to ask the court for an order compelling the district attorney to file a bill of particulars. A bill of particulars would set out in full the articles and books in which the alleged obscene matter was to be found.

This requirement is made in order to give the court information as to the nature of the matter published, so that he may form an intelligent opinion as to whether the small extracts cited are actually obscene, when taken in connection with all or part of the book or publication. The information thus obtained is for the use of the court in passing upon a motion to quash the indictment or upon a demurrer to the indictment.

In all cases where the indictment does not charge the commission of a public offense, but only purports to do so, as we are convinced is the case in this instance, the defendant has the right to raise the question whether an offense is actually charged. He may do this in two ways—upon a motion to quash and upon a demurrer. This procedure is for the purpose of saving the time and expense of a trial if, in fact, no offense is really charged in the indictment.

In the defense of THE MENACE case, this procedure was followed. The necessary motions were filed. After considering the motion for a bill of particulars for some time, the court refused to order the bill of particulars filed. This was on

March 29. On the same day, the several defendants filed separately their motions to quash and their demurrers to the indictment. This notwithstanding the court had refused to grant the motion for a bill of particulars.

The motion to quash and the demurrer to the indictment were argued and the court took them under advisement on March 29. No decision was rendered until April 27.

Delay Worked Hardship

The delay in securing a ruling of the court upon these motions—which in the nature of the case had to be disposed of before other progress could be made—has worked a hardship upon the defendants.

Among other things, it was desired to take depositions of Pope Benedict and his advisors in Rome. If THE MENACE case is forced to trial June 14—Flag Day—it will be impossible to carry out this plan. Other plans just as necessary may be interfered with.

All arrangements had been made with Edward G. Oates of Ft. Scott, Kas., and Theodore Schroeder of New York City to go to Rome for the purpose of taking the desired depositions. Both men are lawyers of signal ability and wide reputation. Whether or not this can yet be done depends upon what attitude the court takes toward our application for continuance, which is now being prepared. If the case is continued until some later date, our attorneys will proceed at once to Rome.

THE MENACE has always charged that the Roman hierarchy, headed by the pope, and its following of small fry Roman politicians are deadly enemies of our form of government; it has charged that the hierarchy and its political henchmen maintain that they and their church organization are not amenable to the authority of our American republic. The Menace has particularly charged that it is the purpose of the hierarchy and its politicians to destroy our public schools, curb the free church and wipe out the free press.

If given a fair opportunity, the Free Press Defense League expects to prove these facts and prove them by the records of the Vatican itself.

The attorneys for The Free Press Defense League realize that there is grave doubt as to the possibility of securing the deposition of the pope. But they are just as well aware of the fact that his refusal to give his deposition will settle for all time the question whether this so-called spiritual monarch is above all the governments of the earth and can make good his boast that he sets these governments at naught. And they are equally well aware that if the pope refuses to give up the evidence in his possession, they will then be entitled to prove the charges of THE MENACE true by books, papers, documents and other evidence obtainable in the United States.

In the motion for a continuance and as its chief ground will be set forth the desire of The Free Press Defense League to send attorneys to Rome with this demand for the pope's deposition. What the result of that motion will be, no one knows. But until it is ruled upon, preparations for the trial on June 14 must proceed with vigor. In next week's issue members of the league will find a report upon the further progress of the case.

The Free Press Defense League, which as all but new readers of THE MENACE know, has undertaken the defense of THE MENACE and other publications in matters involving the freedom of the press, is headed by Wilbur F. Phelps, founder of THE MENACE, as president, and J. I. Sheppard of Fort Scott, Kas., as secretary. Mr. Sheppard, a lawyer of national reputation and the veteran of many legal battles in behalf of free speech and the freedom of the press, gives his services entirely free as chief counsel for the League, chief organizer and secretary.

One last word to you men and women on the Firing Line. Look at the bulletin board? Do you see how much we yet lack of meeting the very first contribution of the Knights of Columbus? Do you realize that if this fight is to be won—if American patriotism is going to assert itself upon a convincing basis—that there must be a million members of the Free Press Defense League by the time The Menace case goes to trial? And do you realize that if each person upon the Firing Line would send in ten memberships with their contributions, the fight would be won? Some of you will not do that—it is up to the rest of us, who are fighting this battle out in the trenches to make up the deficiency!

"Make it a million on Flag Day!"

(Cut out and mail this coupon with your contribution TODAY!)

The Free Press Defense League

FT. SCOTT, KANSAS

WILBUR F. PHELPS, President

J. I. SHEPPARD, Secretary

I hereby make application for membership in The Free Press Defense League and I enclose \$..... as my contribution for the purposes of the League.

I understand that in consideration of this contribution, I am to receive a receipt and membership card. Also that after the first year I am to have a voice in the management of the organization and in the election of officers.

Name.....

Street or Rural Route.....

Postoffice.....

State.....

(Send all contributions intended for The Free Press Defense League to that organization at Ft. Scott, Kas., J. I. Sheppard, Secretary, and not to THE MENACE.)

Bulletin Board

Total number of members of The Free Press Defense League received up to May 7, 1915.....**7,955**

Total amount of money received by The Free Press Defense League up to May 7, 1915.....**\$11,461.36**

AFFIDAVITS

State of Kansas,

Bourbon County.—ss.

W. T. Seagraves, being duly sworn, says: I am cashier of the Peoples' State Bank of Fort Scott, Kas.; there has been deposited in this bank to this date by The Free Press Defense League a total of \$11,461.36.

Subscribed and sworn to before me this 7th day of May, 1915.

Elsie Freeman, Notary Public.

My commission expires on the 3rd day of May, 1918.

State of Kansas,

Bourbon County.—ss.

C. P. Frey, being duly sworn, says, since the organization of The Free Press Defense League began, I have had charge of the membership books and there have been enrolled to this date 7,955 members of said League.

Subscribed and sworn to before me this 7th day of May, 1915.

Elsie Freeman, Notary Public.

My commission expires on the 3rd day of May, 1918.